

RESOLUTION NO. 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 810 TO ALLOW THE DEVELOPMENT OF A 4,100 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING WITH DRIVE-THRU SERVICE ON 6.06 ACRES OF LAND (APNS: 1133-181-18, -19, -20 & -22) LOCATED AT THE SOUTHEAST CORNER OF ALDER AVENUE AND CASMALIA STREET WITHIN THE FREEWAY INCUBATOR (FI) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, on April 15, 2019, the Director of Development Services approved Lot Line Adjustment No. 231 allowing the adjustment of the property lines between four (4) parcels of land (APNs: 1133-181-18, -19, -20 & -22) located at the southeast corner of Alder Avenue and Casmalia Street within the Freeway Incubator (FI) zone of the Renaissance Specific Plan ("Site") resulting in the formation of Parcel 1 (1.81 acres), Parcel 2 (0.96 acres), Parcel 3 (1.17 acres), and Parcel 4 (2.12 acres); and

WHEREAS, the applicant, Alessandro Service Station, LP, proposes to develop a 4,100 square foot multi-tenant building with drive-thru service ("Project") on Parcel 3 of the Site; and

WHEREAS, Pursuant to Table 3-2 (General Permitted Uses) of the Renaissance Specific Plan, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 810 ("CDP No. 810"); and

WHEREAS, the Project will consist of a 4,100 square foot commercial building, a drive-thru lane with stacking for approximately ten (10) vehicles, forty-nine (49) parking spaces, an abundant amount of landscaping, and full pedestrian and vehicle access; and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 811 ("CDP No. 811") to allow the development of a 3,200 square foot restaurant building with drive-thru service on Parcel 2 of the Site; and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 812 ("CDP No. 812") to allow the development of diesel fuel service

1 station consisting of a 1,368 square foot canopy and four (4) fuel dispensers on Parcel 1 of the Site;
2 and

3 WHEREAS, the Development Review Committee (DRC) preliminarily reviewed the
4 Project on May 18, 2016 for compliance with health, safety, and design requirements and
5 forwarded the a recommendation of approval to the Planning Commission subject to the
6 incorporation of DRC comments; and

7 WHEREAS, on April 24, 2019, the Planning Commission of the City of Rialto conducted
8 a duly noticed public hearing, as required by law, on CDP No. 810, took testimony, at which
9 time it received input from staff, the city attorney, and the applicant; heard public testimony;
10 discussed the proposed CDP No. 810; and closed the public hearing; and

11 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

12 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
13 Rialto as follows:

14 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
15 forth in the recitals above of this Resolution are true and correct and incorporated herein.

16 SECTION 2. Based on substantial evidence presented to the Planning Commission during
17 the public hearing conducted with regard to CDP No. 810, CDP No. 811, and CDP No. 812,
18 including written staff reports, verbal testimony, site plans, other documents, and the conditions of
19 approval stated herein, the Planning Commission hereby determines that CDP No. 810, CDP No.
20 811, and CDP No. 812 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code
21 pertaining to the findings which must be made precedent to granting a conditional development
22 permit. The findings are as follows:

- 23 1. The proposed use is deemed essential or desirable to provide a service or facility
24 which will contribute to the convenience or general well-being of the neighborhood
25 or community; and

26 *This finding is supported by the following facts:*

27 The Project is anticipated to be a benefit to the community creating a more diverse
28 economic base for the community by providing additional choices of food, beverages,
and other retail products and services at a convenient location. Additionally, the Project

1 will replace the blight of undeveloped property with desirable improvements that will
2 aesthetically enhance the appearance of the community.

- 3 2. The proposed use will not be detrimental or injurious to health, safety, or general
4 welfare of persons residing or working in the vicinity; and

5 *This finding is supported by the following facts:*

6 The zoning of the Site and the properties to the east, south, and west is Freeway Incubator
7 (FI) within the Renaissance Specific Plan. The project is consistent with the FI zone, and
8 the uses adjacent to the project site. There are no sensitive uses adjacent to or near the
9 Site. Additionally, the project has been reviewed by the Design Review Committee
10 (DRC) for compliance with all health, safety, and design requirements to ensure the
11 project will significantly enhance the infrastructure and aesthetics of the local
12 community.

- 13 3. The site for the proposed use is adequate in size, shape, topography, accessibility
14 and other physical characteristics to accommodate the proposed use in a manner
15 compatible with existing land uses; and

16 *This finding is supported by the following facts:*

17 The Site contains 6.06 acres of land, is fairly level, is adjacent to two (2) public streets, and
18 has to two (2) existing driveways connected to Casmalia Street. Parcel 3 of the Site
19 contains 1.17 acres, and has reciprocal access throughout the Site. Upon completion of
20 the Project, Parcel 3 of the Site will contain forty-nine (49) parking spaces, which
21 exceeds the amount of parking spaces required by Table 3-6 (Parking Standards) of the
22 Renaissance Specific Plan. In addition, the development will have a trash enclosure,
23 lighting, and accessible pathways leading to and from the public right-of-way.

- 24 4. The site has adequate access to those utilities and other services required for the
25 proposed use; and

26 *This finding is supported by the following facts:*

27 The Site has adequate access to all utilities and services required through main water,
28 electric, sewer, and other utility lines that will be hooked up to the Site as part of the
proposed Project.

- 29 5. The proposed use will be arranged, designed, constructed, and maintained so as it
30 will not be injurious to property or improvements in the vicinity or otherwise be
31 inharmonious with the General Plan and its objectives, the Foothill Boulevard
32 Specific Plan, or any zoning ordinances; and

33 *This finding is supported by the following facts:*

1 The use is consistent with the FI zone. The Project, as submitted, meets or exceeds the
2 applicable development criteria of the FI zone and the design criteria contained in
3 Renaissance Specific Plan. Furthermore, the Site will be aesthetically enhanced with a
4 new structure and landscaping that comply with the City's Design Guidelines. The
project is anticipated to be a benefit to the community and an improvement to the
surrounding area.

- 5 6. Any potential adverse effects upon the surrounding properties will be minimized to
6 every extent practical and any remaining adverse effects shall be outweighed by the
7 benefits conferred upon the community or neighborhood as a whole.

8 *This finding is supported by the following facts:*

9 The Project's effects will be minimized through the implementation of the Conditions of
10 Approval contained herein, and through the implementation of Conditions of Approval
11 imposed by the Development Review Committee during the Precise Plan of Design
12 Process, such as extensive landscaping, a decorative trash enclosure, decorative paving
13 and enhanced architectural features. The project will meet or exceed the development
14 criteria of the FI zone and the design criteria of the Renaissance Specific Plan. The
project is consistent with the FI zone, and the uses adjacent to the project site. There are
15 no sensitive uses adjacent to or near the Site. As such, the project will not negatively
16 affect the surrounding area. Therefore, any potential adverse effects are outweighed by
17 the benefits conferred upon the community and neighborhood as a whole.

18 SECTION 3. Alessandro Service Station, LP is hereby granted CDP No. 810 to allow the
19 development of a 4,100 square foot multi-tenant commercial building with drive-thru service on
20 Parcel 3 of the Site.

21 SECTION 4. Based on the findings and recommended mitigation within the Initial Study,
22 staff determined that the project will not have an adverse impact on the environment, provided that
23 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
24 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
25 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
26 the project site for a public comment period held from December 15, 2018 to January 3, 2019. The
27 Mitigated Negative Declaration was prepared in accordance with the California Environmental
28 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
documentation with the Clerk of the Board of Supervisors for San Bernardino County.

1 SECTION 5. CDP No. 810 is granted to Alessandro Service Station, LP in accordance with
2 the plans and application on file with the Planning Division, subject to the following conditions:

- 3 1. The approval is granted allowing the development of a 4,100 square foot multi-tenant
4 commercial building with drive-thru service on Parcel 3 of the Site, as shown on the
5 plans submitted to the Planning Division on October 2, 2018 and as approved by the
6 Planning Commission. If the Conditions of Approval specified herein are not satisfied
7 or otherwise completed, the project shall be subject to revocation.
- 8 2. Prior to the issuance of building or grading permits for the proposed development, a
9 Precise Plan of Design shall be approved by the City's Development Review Committee
10 (DRC).
- 11 3. City inspectors shall have access to the site to reasonably inspect the site during
12 normal working hours to assure compliance with these conditions and other codes.
- 13 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
14 officers, or employees from any claims, damages, action, or proceeding against the
15 City or its agents, officers, or employees to attack, set aside, void, or annul any
16 approval of the City, its advisory agencies, appeal boards, or legislative body
17 concerning CDP No. 810. The City will promptly notify the applicant of any such
18 claim, action, or proceeding against the City and will cooperate fully in the defense.
- 19 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
20 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
21 subject to protest by the applicant at the time of approval or conditional approval of
22 the Project or within 90 days after the date of the imposition of the fees, dedications,
23 reservations, or exactions imposed on the Project.
- 24 6. In order to provide enhanced building design in accordance with Section 4 of the
25 Renaissance Specific Plan (Design Guidelines), the applicant shall route all downspouts
26 through the interior of the building. The internal downspouts shall be identified within
27 the formal building plan check submittal prior to the issuance of building permits.
- 28 7. Any new walls, including any retaining walls, shall be comprised of decorative masonry
block. Decorative masonry block means tan-colored slumpstone block, tan-colored
split-face block, or precision block with a stucco, plaster, or cultured stone finish.
Pilasters shall be incorporated within all new walls. The pilasters shall be spaced a
maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the
wall. All pilasters shall protrude a minimum of one (1) block course above the wall and
a minimum of six (6) inches to the side of the wall. All decorative masonry walls and
pilasters, including retaining walls, shall include a decorative masonry cap. All walls
and pilasters shall be identified on the site plan, and an elevation detail for the walls shall
be included in the formal building plan check submittal prior to the issuance of building
permits.

- 1 8. The exterior of the trash enclosure shall match the color and materials of the buildings
2 on-site. This includes a stucco finish and a wainscot and/or columns of matching stone
3 veneer on all exterior sides of the enclosure. Additionally, the trash enclosure shall
4 contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not
5 acceptable materials to use as a part of the trash enclosure. An elevation detail for the
6 trash enclosure shall be provided within formal building plan check submittal prior to
7 the issuance of building permits.
- 8 9. All new light standards, including the base, shall have a maximum height of twenty-five
9 (25) feet, as measured from the finished surface. Lighting shall be shielded and/or
10 directed toward the site so as not to produce direct glare or "stray light" onto adjacent
11 properties. All light standards shall be identified on the site plan and a detail indicating
12 the height shall be included within the formal building plan check submittal prior to the
13 issuance of building permits.
- 14 10. The applicant shall submit a formal Landscape Plan to the Planning Division prior to the
15 issuance of building permits. The submittal shall include three (3) sets of planting and
16 irrigation plans, a completed Landscape Plan Review application, and the applicable
17 review fee.
- 18 11. All landscape plant species shall comply with the approved Plant Palette of the
19 Renaissance Specific Plan.
- 20 12. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot
21 trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter,
22 the parking lot trees shall be permanently irrigated and maintained. All parking lot tree
23 species shall consist of evergreen broadleaf trees. The trees shall be identified on the
24 formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 25 13. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site
26 landscape setback along Casmalia Street. All trees within the landscape setbacks shall
27 be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the
28 trees within the landscape setback shall be permanently irrigated and maintained. At
least fifty (50) percent of the trees within the setbacks shall consist of evergreen
broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees
and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal
prior to the issuance of a landscape permit.
14. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
right-of-way parkway along Casmalia Street. All trees within the public right-of-way
parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
Thereafter, the trees within the public right-of-way parkway shall be permanently
irrigated and maintained, as required by the Public Works Department. The street tree
species along Casmalia Street shall be the *Pistachia Chinensis* "Chinese Pistache" and/or
the *Hymenoporus Flavum* "Wedding Tree". The trees shall be identified on the
formal Landscape Plan submittal prior to the issuance of building permits.

15. The applicant shall plant shrubs around the entire outer perimeter of the drive-thru lane for the purpose of creating a solid hedge to screen the headlights of vehicles within the drive-thru. All of the drive-thru shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the drive-thru shrubs shall be permanently irrigated and maintained into a continuous box-shape along the entire length of the drive-thru lane with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
16. The applicant shall plant shrubs that surround all ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. for the purpose of providing screening of said equipment and utility boxes. All equipment and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated and maintained into a continuous box-shape with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
17. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all land not covered by structures, walkways, parking areas, and driveways. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted an average of three (3) feet on-center or less. All trees shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise specified herein. All shrubs shall be a minimum of one (1) gallon in size, unless otherwise specified herein. All planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or decorative rock upon initial planting. Pea gravel and decomposed granite are not acceptable materials to use within planter areas. All planter areas on-site shall be permanently irrigated and maintained. The planting and irrigation shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
18. All planting and irrigation shall be installed on-site in accordance with the approved landscape plans and permit prior to the issuance of a Certificate of Occupancy. The installation of the planting and irrigation shall be certified in writing by the landscape architect responsible for preparing the landscape plans prior to the issuance of a Certificate of Occupancy.
19. The applicant shall install and maintain a trash receptacle on the driver-side of the exit of the drive-thru lane. The trash receptacle shall be installed prior to issuance to the Certificate of Occupancy.
20. The applicant shall install a bicycle rack within the pathway area around the perimeter of the building prior to the issuance of the Certificate of Occupancy.

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21. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.
 22. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.
 23. All signage on the building and on the Site shall comply with Section 5 (Signs) of the Renaissance Specific Plan.
 24. The applicant shall obtain all necessary approvals and operating permits from all Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
 25. The privileges granted by the Planning Commission pursuant to approval of this Conditional Development Permit are valid for one (1) year from the effective date of approval. If the applicant fails to commence the project within one year of said effective date, this conditional development permit shall be null and void and any privileges granted hereunder shall terminate automatically. If the applicant or his or her successor in interest commence the project within one year of the effective date of approval, the privileges granted hereunder will continue inured to the property as long as the property is used for the purpose for which the conditional development permit was granted, and such use remains compatible with adjacent property uses.
 26. If the applicant fails to comply with any of the conditions of approval placed upon Conditional Development Permit No. 810 or any conditions placed upon the approval of the Precise Plan of Design required by Condition No. 2 above, the Planning Commission may initiate proceedings to revoke the conditional development permit in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code.

21 SECTION 6. The Chairman of the Planning Commission shall sign the passage and
22 adoption of this resolution and thereupon the same shall take effect and be in force.

23 PASSED, APPROVED AND ADOPTED this 24th day of April, 2019.

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26 _____
27 JOHN PEUKERT, CHAIR
28 CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the ____th day of ____, 2019.

8 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
9 _____, the foregoing Resolution No. ____ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
15 of Rialto this ____th day of ____, 2019.
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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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